

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, DECEMBER 10, 2009.

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Thursday, December 10, 2009.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, in Whom we place our trust and hope, we take a moment to focus our thoughts and attention on You and Your ways which offer us peace, joy and success in our daily living. We pray for Your divining light in our minds that we may see truth and Your love in our hearts that we may be open to You and to the needs of others. In this era of worldwide violence against the innocent and the helpless, teach us to respect the dignity and rights of all individuals in our communities. As constituents look to us for leadership in our districts, help us to address correctly the complex economic, cultural and societal challenges of these changing times. Inspire us to make fair, moral and just decisions and choices as we work together to understand, to implement and to serve the common good in a reasoned manner.

Grant Your blessings to the Speaker, the members and employees of this House and to their families. Amen.

Prayer.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Prayer.

At the request of Speaker DeLeo, members, guests and employees stood in a moment of silent prayer in memory of Carol Davis, who worked as a State House Library Technician for twenty years.

Carol Davis.

Ms. Davis died after her two year battle with cancer and is survived by her seven year old son. Carol was well known for her bright smiles and courteous service to all.

Message from the Governor.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relating to an issue of bonds by the town of Belmont (House, No. 4389), was filed in the office of the Clerk on Tuesday, December 8.

Belmont,—
bonds.

The message was read; and it was referred, under Rule 30, to the committee on Election Laws. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Clifford A. Bodge on the occasion of his retirement;

Clifford A. Bodge.

Resolutions (filed by Mr. Arciero of Westford) commemorating the 2009 celebration of Chanukah by Chabad of Nashoba Valley;

Chanukah.

Resolutions (filed by Representatives Khan of Newton, Koutoujian of Waltham and Balser of Newton) congratulating the Myrtle Baptist Church on the one hundred and thirty-fifth anniversary of its founding; and

Myrtle Baptist Church.

Resolutions (filed by Mr. Sanchez of Boston) recognizing Jesus C. Gerena for his ten years of dedicated service to the Hyde Square Task Force.

Jesus C. Gerena.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Fagan of Taunton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Representative O'Day of West Boylston and Senator Chandler, a joint petition (accompanied by bill, House, No. 4390) of James J. O'Day and Harriette L. Chandler (by vote of the town) that the town of West Boylston be authorized to establish a municipal building fund for said town. To the committee on Municipalities and Regional Government.

West Boylston,—
municipal building.

By Representative Greene of Billerica and Senator Donnelly, a joint petition (accompanied by bill, House, No. 4391) of William G. Greene, Jr., and Kenneth Donnelly (by vote of the town) for legislation to exempt certain clerical positions in the town of Billerica from the civil service law. To the committee on Public Service.

Billerica,—
civil service.

Severally sent to the Senate for concurrence.

Mr. Murphy of Burlington presented a petition (subject to Joint Rule 12) of Charles A. Murphy relative to elevator regulations; and the same was referred, under Rule 24, to the committee on Rules.

Elevator
regulations.

Papers from the Senate.

The House Bill authorizing the board of selectmen of the town of Tisbury to grant licenses for the sale of wines and malt beverages to be drunk on the premises of certain restaurants, inns and hotels (House, No. 1907) (its title having been changed by the Senate committee on Bills in the Third Reading) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in lines 5 to 9, inclusive, by striking out the following “petition the General Court to allow the town of Tisbury to issues licenses without quota and for a season or annual term as the selectman may determine for the sale of beer and wine to patrons of restaurants, including restaurants within inns and hotels with a seating capacity of

Tisbury,—
liquor license.

not less than 30 persons, to be consumed with meals only, and only to patrons who are seated at a dining table” and inserting in place thereof the following: “grant 19 licenses for the sale of wines and malt beverages to be drunk on the premises to restaurants, including restaurants within inns and hotels with seating capacities of not less than 30 persons, to be consumed with meals only, and only to patrons who are seated at dining tables and to grant seasonal licenses for the same as the selectmen may determine”.

Under suspension of Rule 35, on motion of Mr. Madden of Nantucket, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2230) of Richard R. Tisei, Katherine Clark and Mark V. Falzone (by vote of the town) for legislation to exempt the position of the deputy chief of police in the town of Wakefield from the provisions of civil service law. To the committee on Public Service.

Wakefield, —
civil service.

Petition (accompanied by bill, Senate, No. 2231) of Stephen M. Brewer and Anne M. Gobi (by vote of the town) for legislation relative to payment for services rendered for extraordinary storm damage in the town of Templeton. To the committee on State Administration and Regulatory Oversight.

Templeton, —
storm damage.

Reports of Committees.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Harold P. Naughton, Jr., relative to injuries sustained during state service by officers of the Trial Court. Under suspension of the rules, on motion of Mr. Sullivan of Fall River, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Trial Court
employees, —
injuries.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the joint petition of Michael A. Costello and Steven A. Baddour relative to designating a certain road in the town of Salisbury as the Army Sergeant Jordan Michael Shay Memorial Drive . Under suspension of the rules, on motion of Mr. Brownsberger of Belmont, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Salisbury, —
Sergeant Jordan
Michael Shay.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill establishing the Sandwich economic initiative corporation (Senate, No. 2073) be scheduled for consideration by the House.

Sandwich, —
economic initiative.

Under suspension of Rule 7A, on motion of Ms. Dykema of Holliston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Hamilton Board of Selectmen (House, No. 4294) be scheduled for consideration by the House.

Hamilton, —
selectmen.

Under suspension of Rule 7A, on motion of Mr. Murphy of Burlington, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Olivia Mulhall, an employee of the Department of the Trial Court (House, No. 4361) be scheduled for consideration by the House.

Olivia Mulhall, —
sick leave bank.

Under suspension of Rule 7A, on motion of Mr. Hill of Ipswich, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to extending the deadline for mailing quarterly tax bills (Senate, No. 2226) be scheduled for consideration by the House.

Quarterly
tax bills.

Under suspension of Rule 7A, on motion of Mr. Vallee of Franklin, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Peisch of Wellesley, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: “An Act extending the deadline for mailing quarterly tax bills.”.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government on a petition, a Bill relative to the lease of Day Agricultural and Conservation Land in the town of Westford (House, No. 4193).

Westford, —
land transfer.

By the same member, for the same committee on a petition, a Bill relative to the Hamilton board of selectmen (House, No. 4294).

Hamilton, —
selectmen.

By Mr. Kaufman of Lexington, for the committee on Revenue on a petition, a Bill relative to property tax exemptions for rental properties in the town of Wellfleet restricting affordable housing (House, No. 2852).

Wellfleet, —
housing.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day

The Senate Bill designating a certain bridge in the city of Taunton as the Sergeant Shane Duffy Bridge (Senate, No. 2203) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

The House Bill establishing a sick leave bank for Anne Smith, an employee of the Department of Revenue (House, No. 4353), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Id.

Emergency Measures.

The engrossed Bill extending the deadline for mailing quarterly tax bills (see Senate, No. 2226), having been certified by the Clerk to be rightly and truly

Quarterly
tax bills.

prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 14 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill designating Polish American Congress Day (see House, No. 3035, changed), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Polish
American
Day.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 14 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill establishing a sick leave banks for Lori Polson and Eric Polson, employees of the Department of Correction (see House, No. 4273, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Lori and Eric
Polson, — sick leave
banks.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 11 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

The engrossed Bill validating the acts, votes and proceedings of the 2009 spring annual town meeting and the 2009 spring special town meeting of the town of Westminster (see House bill printed in House, No. 4179) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed bills

Authorizing the city of Salem to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2093);

Bills
enacted.

Designating a certain bridge in the city of Taunton as the Sergeant Shane Duffy Bridge (see Senate, No. 2203);

(Which severally originated in the Senate);

Designating a certain bridge in the city of Malden as the DiPaola brothers veterans bridge (see House No. 3209, amended); and

UNCORRECTED PROOF.

Pertaining to the issuance of bonds or notes by the city of Worcester (see House, No. 4265);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Representative Petrolati of Ludlow then moved that as a mark of respect to the memory of Steven T. Chmura, a member of the House from Ludlow from 1966 to 1976, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-nine minutes after twelve o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.